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W.P.No.32160 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.32160 of 2024 and
W.M.P.No.34922 of 2024

R.Arockiasamy

... Petitioner

Vs.

1.The Additional Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.

2.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai 600 009.

3.The Additional Director of Medical Education &
Research / the Secretary,
Selection Committee,
Directorate of Medical Education and Research,
No.162, Periyar E.V.R High Road,
Kilpauk, Chennai 600 010.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to include the name of the petitioner in the list of Scheduled caste as per G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009



and G.O.Ms.No.55, Personnel and Administrative Reforms (S) Department, dated 08.04.2010 in the selection process conducted by the third respondent vide prospectus for admission to M.Pharmacy Course in Tamil Nadu Government Medical Colleges and Government Seats in Self Financing Paramedical Institution Affiliated to the Tamil Nadu Dr.M.G.R.Medical University dated 10.08.2024 and admit the petitioner in the course of M.Pharmacy for the academic year 2024-2025.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.E.Sundaram, GA for R1 & R2
Mrs.M.Sneha, Spl Counsel for R3

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to include the name of the petitioner in the list of Scheduled caste as per G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009 and G.O.Ms.No.55, Personnel and Administrative Reforms (S) Department, dated 08.04.2010 in the selection process conducted by the third respondent vide prospectus for admission to M.Pharm in Tamil Nadu Government Medical Colleges and Government Seats in Self Financing Paramedical Institution Affiliated to the Tamil Nadu Dr.M.G.R.Medical University dated 10.08.2024 and admit the petitioner in the course of M.Pharm for the academic year 2024-2025.



2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

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3. The learned counsel for the petitioner submitted that the petitioner, who belongs to Scheduled Caste (Arunthathiyar) Community has completed B.Pharm with 78% of marks in the academic year 2019 – 2023. He possesses the requisite qualification to apply for M.Pharm course in the Tamil Nadu Government Medical Colleges. The selection process was conducted for filling up of 85 seats, in which, 13 seats were allotted to the Scheduled Caste candidates and 2 seats were allotted to the Scheduled Caste Arunthathiyars. The petitioner has applied for the course on 21.08.2024 and participated in the entrance examination conducted by the third respondent on 01.09.2024 and secured 42.48% marks and secured 6th rank in community wise. The petitioner was placed serial No.160 of the provisional selection list issued by the third respondent. As per G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department dated 27.05.2009, in the event of filling up all the seats reserved for the post of SC(A), the remaining qualified SC(A) candidates shall be allowed to compete with SC other than Arunthathiyar category. As per G.O.Ms.No.65, Personnel and Administrative Reforms (K)



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Department dated 27.05.2009 and G.O.Ms.No.55, Personnel and Administrative Reforms (S) Department dated 08.04.2010, the petitioner should have been permitted to compete with SC other than Arunthathiyar category. The petitioner has been placed in serial No.10 in the community wise ranking of SC other than Arunthathiyars specifically below of one Mohanapriyan, who has attained 9th Rank in the community wise ranking of SC other than Arunthathiyars and he had received allotment in M.Pharm course. Therefore, the petitioner made a representation through Email on 20.09.2024 to the Selection Committee and the same was not considered. Hence, the petitioner has filed the present petition seeking admission to M.Pharm in the Tamil Nadu Government Medical Colleges.

4. The learned Special Counsel appearing for the third respondent filed counter affidavit filed on behalf of the respondents 1 and 2 and submitted that the Government has issued orders for admission to M.Pharm Courses for 2024-2025 vide G.O.(D).No.765, Health and Family Welfare Department, dated 18.07.2024. Based on the said Government Orders, a notification for M.Pharm Courses has been called for and the petitioner has applied for the same and secured General rank No.160. As per reservation norms of Tamil



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Nadu State Government, 15 seats are reserved for SC category and out of 15 seats, 2 seats are reserved for SC(A) category and two meritorious SC(A) candidates, who attained General rank Nos.38 and 77 were allotted under SC(A) category. The General rank of the petitioner is 160 and the community rank of the petitioner is 6. As per G.O.Ms.No.55, Personnel and Administrative Reforms Department, dated 08.04.2010, if there are no SC candidates, the conversion will occur in last round of counselling. If eligible SC(A) candidates are available in the merit list, they will be allotted under SC category. He further submitted that the respondents have followed the procedure properly while admitting the candidates in M.Pharm Course and hence, the present petition has to be dismissed.

5. On perusal of the records, it reveals that as per reservation norms of Tamil Nadu State Government, 15 seats are reserved for SC category and out of 15 seats, 2 seats are reserved for SC(A) category and two meritorious SC(A) candidates, who are ranked 38 and 77, were allotted under SC(A) category. The general rank of the petitioner is 160 and community rank of the petitioner is 6. Hence, this Writ Petition has no merits and the same is liable to be dismissed.



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6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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- 2.The Additional Chief Secretary to Government,
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